

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD ARLEY FISHER,

Petitioner,

v.

JEFFERY PERKINS,

Respondent.

CASE NO. C24-5484 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Theresa L. Fricke's Report and Recommendation (R&R), Dkt. 20, recommending the Court deny pro se petitioner Richard Fisher's § 2254 habeas petition as time-barred, deny him a § 2253 certificate of appealability, and dismiss the case with prejudice.

A district court "shall make a de novo determination of those portions of the report or specified proposed finding or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C) (emphasis added); *see also* Fed. R. Civ. P. 72(b)(3). It must modify or set aside any portion of the order that is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a). The district judge may accept, reject, or modify the recommended

1 disposition; receive further evidence; or return the matter to the magistrate judge with
2 instructions. Fed. R. Civ. P. 72(b)(3).

3 The Court must “review the Magistrate Judge’s findings and recommendations de
4 novo *if objection is made*, but not otherwise.” *United States v. Reyna-Tapia*, 328 F.3d
5 1114, 1121 (9th Cir. 2003) (citing § 636(b)(1)(C)). A proper objection requires “specific
6 written objections to the proposed findings and recommendations.” Fed. R. Civ. P.
7 72(b)(2).

8 Fisher has not objected to the R&R, and its recommended disposition of his
9 habeas petition is neither clearly erroneous nor contrary to law. The R&R is therefore
10 **ADOPTED**. Fisher’s § 2254 habeas petition is **DENIED**, the Court will **NOT** issue a
11 certificate of appealability for the reasons outlined in the R&R, and the case is
12 **DISMISSED** with prejudice.

13 The Clerk shall enter a **JUDGMENT** and close the case.

14 **IT IS SO ORDERED.**

15 Dated this 21st day of January, 2025.

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18 BENJAMIN H. SETTLE
19 United States District Judge
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